

DRAFT RECODIFICATION

Title 79 RCW PUBLIC LANDS

Chapter 79.10 RCW LAND MANAGEMENT AUTHORTIES AND POLICIES

PART I General Provisions

RCW ~~79.01.744~~ 79.10.010 Reports.

(1) It shall be the duty of the ~~commissioner of public lands~~ department to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that ~~he~~ the department may deem advisable.

(2) The ~~commissioner of public lands~~ department shall provide a comprehensive biennial report to reflect the previous fiscal period. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, the adopted sustainable harvest compared to the sales program, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resources managed and the recreational and commercial utilization. The report shall be given to the chairs of the house and senate committees on ways and means and the house and senate committees on natural resources, including one copy to the staff of each of the committees, and shall be made available to the public.

(3) The ~~commissioner of public lands~~ department shall provide annual reports to the respective trust beneficiaries, including each county. The report shall include, but not be limited to, the following: Acres sold, acres harvested, volume from those acres, acres planted, number of stems per acre, acres precommercially thinned, acres commercially thinned, acres partially cut, acres clear cut, age of final rotation for acres clear cut, and the total number of acres off base for harvest and an explanation of why those acres are off base for harvest.

[1997 c 448 § 3; 1987 c 505 § 76; 1985 c 93 § 3; 1927 c 255 § 196; RRS § 7797-196. Prior: 1907 c 114 § 1; RRS § 7801. Formerly RCW 43.12.150.]

RCW ~~79.01.074~~ 79.10.020 Department authority to accept land.

The department is hereby authorized, when in its judgment it appears advisable, to accept on behalf of the state, any grant of land within the state which shall then become a part of the state forests. No grant may be accepted until the title has been examined and approved by the

attorney general of the state and a report made to the board of natural resources of the result of the examination.

[1986 c 100 § 48.]

RCW ~~79.01.612~~ 79.10.030 Management of acquired lands--Land acquired by escheat suitable for park purposes--~~Rental--Repairs.~~

(1) Except as provided in subsection (2) of this section, the department ~~of natural resources~~ shall manage and control all lands acquired by the state by escheat or under chapter ~~79.66~~ 79.19 RCW and all lands acquired by the state by deed of sale or gift or by devise, except such lands which are conveyed or devised to the state to be used for a particular purpose. ~~The department shall lease the lands in the same manner as school lands. When the department determines to sell the lands, they shall be initially offered for sale either at public auction or direct sale to public agencies as provided in this chapter. If the lands are not sold at public auction, the department may, with approval of the board of natural resources, market the lands through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value and pay necessary marketing costs from the sale proceeds. Necessary marketing costs includes reasonable costs associated with advertising the property and paying commissions. The proceeds of the lease or sale of all such lands shall be deposited into the appropriate fund in the state treasury in the manner prescribed by law, except if the grantor in any such deed or the testator in case of a devise specifies that the proceeds of the sale or lease of such lands be devoted to a particular purpose such proceeds shall be so applied. The department may employ agents to rent any escheated, deeded, or devised lands, or lands acquired under chapter 79.66 RCW, for such rental and time and in such manner as the department directs, but the property shall not be rented by such agent for a longer period than one year and no tenant is entitled to compensation for any improvement which he makes on such property. The agent shall cause repairs to be made to the property as the department directs, and shall deduct the cost thereof, together with such compensation and commission as the department authorizes, from the rentals of such property and the remainder which is collected shall be transmitted monthly to the department of natural resources.~~

{strikeout moved to 79.11.340 and 79.13.150}

(2) When land is acquired by the state by escheat which because of its location or features may be suitable for park purposes, the department shall notify the state parks and recreation commission. The department and the commission shall jointly evaluate the land for its suitability for park purposes, based upon the features of the land and the need for park facilities in the vicinity. Where the department and commission determine that such land is suitable for park purposes, it shall be offered for transfer to the commission, or, in the event that the commission declines to accept the land, to the local jurisdiction providing park facilities in that area. When so offered, the payment required by the recipient agency shall not exceed the costs incurred by the department in managing and protecting the land since receipt by the state.

(3) The department may review lands acquired by escheat since January 1, 1983, for their suitability for park purposes, and apply the evaluation and transfer procedures authorized by subsection (2) of this section.

[1993 c 49 § 1; 1984 c 222 § 13; 1927 c 255 § 154; RRS § 7797-154. Formerly RCW 43.12.100.]

Notes:

Severability--Effective date--1984 c 222: See RCW 79.66.900 and 79.66.901.

Real property distributed to state by probate court decree, jurisdiction of commissioner of public lands over: RCW 11.08.220.

RCW ~~76.12.040~~ 79.10.040 Gifts of ~~county or city lands~~ for offices, warehouses, etc.

Any county, city or town is authorized and empowered to convey to the state of Washington any lands owned by such county, city or town upon the selection of such lands by the department and the department is hereby authorized to select and accept conveyances of lands from such counties, cities or towns, suitable for use by the department as locations for offices, warehouses and machinery storage buildings in the administration of the forestry laws and lands of the state of Washington: PROVIDED, HOWEVER, No consideration shall be paid by the state nor by the department for the conveyance of such lands by such county, city or town.

[1988 c 128 § 25; 1937 c 125 § 1; RRS § 5812-3c. FORMER PART OF SECTION: 1937 c 125 § 2 now codified as RCW 76.12.045.]

RCW ~~76.12.045~~ 79.10.050 Gifts of county or city land for offices, warehouses, etc.--Use of lands authorized.

The department is authorized to use such lands for the purposes hereinbefore expressed and to improve said lands and build thereon any necessary structures for the purposes hereinbefore expressed and expend in so doing such funds as may be authorized by law therefor.

[1988 c 128 § 26; 1937 c 125 § 2; RRS § 5812-3d. Formerly RCW 76.12.040.]

RCW ~~79.68.110~~ 79.10.060 Compliance with local ordinances, when.

The department ~~of natural resources~~ may comply with county or municipal zoning ordinances, laws, rules or regulations affecting the use of state lands under the jurisdiction of the department ~~of natural resources~~ where such regulations are consistent with the treatment of similar private lands.

[1971 ex.s. c 234 § 13.]

RCW ~~79.01.128~~ 79.10.070 Management of public lands within watershed area providing water supply for city or town--Lake Whatcom municipal watershed pilot project--Report--Exclusive method of condemnation by city or town for watershed purposes.

(1) In the management of public lands lying within the limits of any watershed over and through which is derived the water supply of any city or town, the department may alter its land management practices to provide water with qualities exceeding standards established for intrastate and interstate waters by the department of ecology : ~~PROVIDED, That .~~ However, if such alterations of management by the department reduce revenues from, increase costs of management of, or reduce the market value of public lands the city or town requesting such alterations shall fully compensate the department.

(2) The department shall initiate a pilot project for the municipal watershed delineated by the Lake Whatcom hydrographic boundaries to determine what factors need to be considered to

achieve water quality standards beyond those required under chapter 90.48 RCW and what additional management actions can be taken on state trust lands that can contribute to such higher water quality standards. The department shall establish an advisory committee consisting of a representative each of the city of Bellingham, Whatcom county, the Whatcom county water district 10, the department of ecology, the department of fish and wildlife, and the department of health, and three general citizen members to assist in this pilot project. In the event of differences of opinion among the members of the advisory committee, the committee shall attempt to resolve these differences through various means, including the retention of facilitation or mediation services.

(3) The pilot project in subsection (2) of this section shall be completed by June 30, 2000. The department shall defer all timber sales in the Lake Whatcom hydrographic boundaries until the pilot project is complete.

(4) Upon completion of the study, the department shall provide a report to the natural resources committee of the house of representatives and to the natural resources, parks, and recreation committee of the senate summarizing the results of the study.

(5) The exclusive manner, notwithstanding any provisions of the law to the contrary, for any city or town to acquire by condemnation ownership or rights in public lands for watershed purposes within the limits of any watershed over or through which is derived the water supply of any city or town shall be to petition the legislature for such authority. Nothing in ~~this section~~, RCW 79.44.003 and ~~this chapter 79.68 RCW~~ shall be construed to affect any existing rights held by third parties in the lands applied for.

{chapter 79.68 RCW has been incorporated into this chapter}

[1999 c 257 § 1; 1971 ex.s. c 234 § 11; 1927 c 255 § 32; RRS § 7797-32. Prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW 79.12.110.]

Notes:

Condemnation proceedings where state land involved: RCW 8.28.010.

Municipal corporation in adjoining state may condemn watershed property: RCW 8.28.050.

RCW ~~79.01.164~~ 79.10.080 Classification of land after timber removed—~~Lands for reforestation reserved.~~

When the merchantable timber has been sold and actually removed from any state lands, the ~~commissioner of public lands department~~ may classify the land, and may reserve from any future sale such portions thereof as may be found suitable for reforestation, and in such case, ~~the commissioner~~ shall enter such reservation in ~~the its records, in his office, and~~ All such lands so reserved shall not ~~thereafter~~ be subject to sale or lease. The ~~commissioner of public lands~~ shall certify all such reservations for reforestation so made, to the board of natural resources, ~~and~~ It shall be the duty of the department of natural resources, to protect such lands, and the remaining timber thereon, from fire and to reforest the same.

[1959 c 257 § 16; 1927 c 255 § 41; RRS § 7797-41. Prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW 79.12.200.]

Notes:

Reforestation: Chapter 76.12 RCW.

RCW ~~79.01.095~~ 79.10.090 Economic analysis of state lands held in trust--Scope--Use.

Periodically at intervals to be determined by the board ~~of natural resources~~, the ~~commissioner of public lands~~ department shall cause an economic analysis to be made of those state lands held in trust, where the nature of the trust makes maximization of the economic return to the beneficiaries of income from state lands the prime objective. The analysis shall be by specific tracts, or where such tracts are of similar economic characteristics, by groupings of such tracts.

The most recently made analysis shall be considered by the ~~department of natural resources~~ in making decisions as to whether to sell or lease state lands, standing timber or crops thereon, or minerals therein, including but not limited to oil and gas and other hydrocarbons, rocks, gravel and sand.

The economic analysis shall include, but shall not be limited to the following criteria: (1) Present and potential sale value; (2) present and probable future returns on the investment of permanent state funds; (3) probable future inflationary or deflationary trends; (4) present and probable future income from leases or the sale of land products; and (5) present and probable future tax income derivable therefrom specifically including additional state, local and other tax revenues from potential private development of land currently used primarily for grazing and other similar low priority use; such private development would include, but not be limited to, development as irrigated agricultural land.

[1969 ex.s. c 131 § 1.]

PART II Multiple Use

RCW ~~79.68.010~~ 79.10.100 Concept to be utilized, when.

The legislature hereby directs that a multiple use concept be utilized by the ~~department of natural resources~~ in the management and administration of state-owned lands under the jurisdiction of the department where such a concept is in the best interests of the state and the general welfare of the citizens thereof, and is consistent with the applicable trust provisions of the various lands involved.

[1971 ex.s. c 234 § 1.]

RCW ~~79.68.020~~ 79.10.110 "Multiple use" defined.

"Multiple use" as used in RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.110 through 79.10.280 and 79.44.003 shall mean the management and administration of state-owned lands under the jurisdiction of the ~~department of natural resources~~ to provide for several uses simultaneously on a single tract and/or planned rotation of one or more uses on and between specific portions of the total ownership consistent with the provisions of RCW ~~79.68.010~~ 79.10.100.

[1971 ex.s. c 234 § 2.]

RCW ~~79.68.050~~ 79.10.120 Multiple uses compatible with financial obligations of trust management--Other uses permitted, when.

Multiple uses additional to and compatible with those basic activities necessary to fulfill the financial obligations of trust management may include but are not limited to:

- (1) Recreational areas;
- (2) Recreational trails for both vehicular and nonvehicular uses;
- (3) Special educational or scientific studies;
- (4) Experimental programs by the various public agencies;
- (5) Special events;
- (6) Hunting and fishing and other sports activities;
- (7) Maintenance of scenic areas;
- (8) Maintenance of historical sites;
- (9) Municipal or other public watershed protection;
- (10) Greenbelt areas;
- (11) Public rights of way;
- (12) Other uses or activities by public agencies;

If such additional uses are not compatible with the financial obligations in the management of trust land they may be permitted only if there is compensation from such uses satisfying the financial obligations.

[1971 ex.s. c 234 § 5.]

RCW ~~79.01.244~~ 79.10.125 Land leased for agriculture open to public for fishing and hunting--Exceptions.

All state lands hereafter leased for grazing or agricultural purposes shall be open and available to the public for purposes of hunting and fishing unless closed to public entry because of fire hazard or unless the department of natural resources gives prior written approval and the area is lawfully posted by lessee to prohibit hunting and fishing thereon in order to prevent damage to crops or other land cover, to improvements on the land, to livestock, to the lessee, or to the general public, or closure is necessary to avoid undue interference with carrying forward a departmental or agency program. In the event any such lands are so posted it shall be unlawful for any person to hunt or fish on any such posted lands.

The department of natural resources shall insert the provisions of this section in all new grazing and agricultural leases ~~hereafter issued~~.

[1979 ex.s. c 109 § 9; 1969 ex.s. c 46 § 1; 1959 c 257 § 29; 1947 c 171 § 1; 1927 c 255 § 61; RRS § 7797-61. Prior: 1915 c 147 § 4; 1903 c 79 § 4; 1897 c 89 § 19; 1895 c 178 § 32. Formerly RCW 79.12.430.]

Notes:

Reviser's note: This section does not apply to state tidelands, shorelands, harbor areas, and the beds of navigable waters. See RCW 79.01.093.

Severability--Effective date--1979 ex.s. c 109: See notes following RCW 79.01.036.

RCW ~~79.68.070~~ 79.10.130 Scope of department's authorized activities.

The department of ~~natural resources~~ is hereby authorized to carry out all activities necessary to achieve the purposes of RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.060, 79.10.110, 79.10.120, 79.10.130, 79.10.200 through 79.10.330, 79.44.003 and 79.90.456, including, but not limited to:

(1) Planning, construction and operation of conservation, recreational sites, areas, roads and trails, by itself or in conjunction with any public agency;

(2) Planning, construction and operation of special facilities for educational, scientific, conservation, or experimental purposes by itself or in conjunction with any other public or private agency;

(3) Improvement of any lands to achieve the purposes of RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.250, 79.10.280 79.10.300 through 79.10.325, 79.44.003 and 79.90.456;

(4) Cooperation with public and private agencies in the utilization of such lands for watershed purposes;

(5) The authority to make such leases, contracts, agreements or other arrangements as are necessary to accomplish the purposes of RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.250, 79.10.280 79.10.300 through 79.10.325, 79.44.003 and 79.90.456 : ~~PROVIDED, That~~ . However, nothing herein in this section shall affect any existing requirements for public bidding or auction with private agencies or parties, except that agreements or other arrangements may be made with public schools, colleges, universities, governmental agencies, and nonprofit scientific and educational associations.

{section references include the same sections as RCW 79.68.070 (all of chapter 79.68)}

[1987 c 472 § 12; 1971 ex.s. c 234 § 7.]

Notes:

Severability--1987 c 472: See RCW 79.71.900.

RCW ~~43.30.300~~ 79.10.140 Outdoor recreation--Construction, operation, and maintenance of primitive facilities--Right of way and public access--Use of state and federal outdoor recreation funds.

The department of ~~natural resources~~ is authorized:

(1) To construct, operate, and maintain primitive outdoor recreation and conservation facilities on lands under its jurisdiction which are of primitive character when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the interagency committee for outdoor recreation and determination by the committee that the department is the most appropriate agency to undertake such construction, operation and maintenance. Such review is not required for campgrounds designated and prepared or approved by the department.

(2) To acquire right of way and develop public access to lands under the jurisdiction of

the department of ~~natural resources~~ and suitable for public outdoor recreation and conservation purposes.

(3) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of RCW ~~43.30.300~~ 79.10.140 and ~~*79.08.109~~ 79A.50.110.

[1987 c 472 § 13; 1986 c 100 § 51; 1967 ex.s. c 64 § 1.]

Notes:

***Reviser's note:** RCW 79.08.109 was recodified as RCW 79A.50.110 pursuant to 1999 c 249 § 1601.

Severability--1987 c 472: See RCW 79.71.900.

Construction--1967 ex.s. c 64: "Nothing in this act shall be construed as affecting the jurisdiction or responsibility of any other state or local governmental agency, except as provided in section 1 of this act." [1967 ex.s. c 64 § 4.]

Severability--1967 ex.s. c 64: "If any provision of sections 1 through 4 of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 64 § 3.]

Exchange of lands to secure private lands for parks and recreation purposes: RCW 79A.50.110.

Interagency committee for outdoor recreation: Chapter 79A.25 RCW.

RCW ~~79.68.090~~ 79.10.200 Multiple use land resource allocation plan--Adoption--Factors considered.

The department of ~~natural resources~~ may adopt a multiple use land resource allocation plan for all or portions of the lands under its jurisdiction providing for the identification and establishment of areas of land uses and identifying those uses which are best suited to achieve the purposes of RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.250, 79.10.280 79.10.300 through 79.10.325, 79.44.003 and 79.90.456. Such plans shall take into consideration the various ecological conditions, elevations, soils, natural features, vegetative cover, climate, geographical location, values, public use potential, accessibility, economic uses, recreational potentials, local and regional land use plans or zones, local, regional, state and federal comprehensive land use plans or studies, and all other factors necessary to achieve the purposes of RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.250, 79.10.280 79.10.300 through 79.10.325, 79.44.003 and 79.90.456.

[1971 ex.s. c 234 § 9.]

RCW ~~79.68.060~~ 79.10.210 Public lands identified and withdrawn from conflicting uses--Effect--Limitation.

For the purpose of providing increased continuity in the management of public lands and of facilitating long range planning by interested agencies, the department of ~~natural resources~~ is authorized to identify and to withdraw from all conflicting uses at such times and for such periods as it shall determine appropriate, limited acreages of public lands under its jurisdiction. Acreages so withdrawn shall be maintained for the benefit of the public and, in particular, of the public schools, colleges and universities, as areas in which may be observed, studied, enjoyed, or otherwise utilized the natural ecological systems thereon, whether such systems be unique or typical to the state of Washington. Nothing herein is intended to or shall modify the department's

obligation to manage the land under its jurisdiction in the best interests of the beneficiaries of granted trust lands.

[1971 ex.s. c 234 § 6.]

RCW ~~79.68.100~~ 79.10.220 Conferring with other agencies--~~Public hearings authorized.~~

The department of ~~natural resources~~ may confer with other public and private agencies to facilitate the formulation of policies and/or plans providing for multiple use concepts. The department of ~~natural resources~~ is empowered to hold public hearings from time to time to assist in achieving the purposes of RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.250, 79.10.280 79.10.300 through 79.10.325, 79.44.003 and 79.90.456.

[1971 ex.s. c 234 § 10.]

RCW ~~79.68.900~~ 79.10.240 Department's ~~existing authority and powers preserved.~~

Nothing in RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.250, 79.10.280, 79.10.300 through 79.10.325, 79.44.003 and 79.90.456 shall be construed to affect or repeal any existing authority or powers of the department of ~~natural resources~~ in the management or administration of the lands under its jurisdiction.

[1971 ex.s. c 234 § 12.]

RCW ~~79.68.910~~ 79.10.250 Existing withdrawals for state park and state game purposes preserved.

Nothing in RCW ~~79.01.128, 79.44.003 and this chapter~~ 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.250, 79.10.280, 79.10.300 through 79.10.325, 79.44.003 and 79.90.456 shall be construed to affect, amend, or repeal any existing withdrawal of public lands for state park or state game purposes.

[1971 ex.s. c 234 § 15.]

RCW ~~79.68.120~~ 79.10.280 Land use data bank--~~Contents, source--Consultants authorized--Use.~~

(1) The department of ~~natural resources~~ shall design expansion of its land use data bank to include additional information that will assist in the formulation, evaluation, and updating of intermediate and long-range goals and policies for land use, population growth and distribution, urban expansion, open space, resource preservation and utilization, and other factors which shape state-wide development patterns and significantly influence the quality of the state's environment. The system shall be designed to permit inclusion of other lands in the state and will

do so as financing and time permit.

(2) Such data bank shall contain any information relevant to the future growth of agriculture, forestry, industry, business, residential communities, and recreation; the wise use of land and other natural resources which are in accordance with their character and adaptability; the conservation and protection of the soil, air, water, and forest resources; the protection of the beauty of the landscape; and the promotion of the efficient and economical uses of public resources.

The information shall be assembled from all possible sources, including but not limited to, the federal government and its agencies, all state agencies, all political subdivisions of the state, all state operated universities and colleges, and any source in the private sector. All state agencies, all political subdivisions of the state, and all state universities and colleges are directed to cooperate to the fullest extent in the collection of data in their possession. Information shall be collected on all areas of the state but collection may emphasize one region at a time.

(3) The data bank shall make maximum use of computerized or other advanced data storage and retrieval methods. The department is authorized to engage consultants in data processing to ensure that the data bank will be as complete and efficient as possible.

(4) The data shall be made available for use by any governmental agency, research organization, university or college, private organization or private person as a tool to evaluate the range of alternatives in land and resource planning in the state.

[1971 ex.s. c 234 § 16.]

PART IV

Sustainable Harvest

RCW ~~79.68.035~~ 79.10.300 Definitions.

Unless the context clearly requires otherwise the definitions in this section apply ~~throughout this chapter to RCWs 79.10.310 through 79.10.330.~~

(1) "Arrearage" means the summation of the annual sustainable harvest timber volume since July 1, 1979, less the sum of state timber sales contract default volume and the state timber sales volume deficit since July 1, 1979.

(2) "Default" means the volume of timber remaining when a contractor fails to meet the terms of the sales contract on the completion date of the contract or any extension thereof and timber returned to the state under *RCW 79.01.1335.

(3) "Deficit" means the summation of the difference between the department's annual planned sales program volume and the actual timber volume sold.

(4) "Planning decade" means the ten-year period covered in the forest land management plan adopted by the board ~~of natural resources~~.

(5) "Sustainable harvest level" means the volume of timber scheduled for sale from state-owned lands during a planning decade as calculated by the department ~~of natural resources~~ and approved by the board ~~of natural resources~~.

[1987 c 159 § 2.]

Notes:

***Reviser's note:** RCW 79.01.1335 expired December 31, 1984.

Legislative findings--1987 c 159: "Adequately funding construction of the state's educational facilities represents one of the highest priority uses of state-owned lands. Many existing facilities need replacement and many additional facilities will be needed by the year 2000 to house students entering the educational system. The sale of timber from state-owned lands plays a key role in supporting the construction of school facilities. Currently and in the future, demands for school construction funds are expected to exceed available revenues.

The department of natural resources sells timber on a sustained yield basis. Since 1980, purchasers defaulted on sales contracts affecting over one billion one hundred million board feet of timber. Between 1981 and 1983, the department sold six hundred million board feet of timber less than the sustainable harvest level. As a consequence of the two actions, the department entered their 1984-1993 planning decade with a timber sale arrearage which could be sold without adversely affecting the continued productivity of the state-owned forests." [1987 c 159 § 1.]

RCW ~~79.68.030~~ 79.10.310 "Sustained yield plans" defined.

"Sustained yield plans" as used in RCW ~~79.01.128, 79.44.003 and this chapter 79.10.070, 79.10.300 through 79.10.330 and 79.44.003~~ shall mean management of the forest to provide harvesting on a continuing basis without major prolonged curtailment or cessation of harvest.

[1971 ex.s. c 234 § 3.]

RCW ~~79.68.040~~ 79.10.320 ~~Department to periodically adjust acreages under sustained yield management program--Calculation of sustainable harvest level~~ Sustainable harvest program.

The department of ~~natural resources~~ shall manage the state-owned lands under its jurisdiction which are primarily valuable for the purpose of growing forest crops on a sustained yield basis insofar as compatible with other statutory directives. To this end, the department shall periodically adjust the acreages designated for inclusion in the sustained yield management program and calculate a sustainable harvest level.

[1987 c 159 § 3; 1971 ex.s. c 234 § 4.]

Notes:

Legislative findings--1987 c 159: See note following RCW 79.68.035.

RCW ~~79.68.045~~ 79.10.330 ~~Existence of arrearage at end of planning decade--Analysis of alternative courses of action--Sale of arrearage~~ Arrearages--End of decade.

If an arrearage exists at the end of any planning decade, the department shall conduct an analysis of alternatives to determine the course of action regarding the arrearage which provides the greatest return to the trusts based upon economic conditions then existing and forecast, as well as impacts on the environment of harvesting the additional timber. The department shall offer for sale the arrearage in addition to the sustainable harvest level adopted by the board of natural resources for the next planning decade if the analysis determined doing so will provide the greatest return to the trusts.

[1987 c 159 § 4.]

Notes:

Legislative findings--1987 c 159: See note following RCW 79.68.035.

RCW ~~43.30.390~~ 79.10.340 Sustainable harvest sale.

The board of natural resources shall offer for sale the sustainable harvest as identified in the 1984-1993 forest land management program, or as subsequently revised. In the event that decisions made by entities other than the department cause a decrease in the sustainable harvest the department shall offer additional timber sales from state-managed lands.

[1989 c 424 § 9.]

Notes:

Effective date--1989 c 424: See note following RCW 76.12.210.

**PART V
Cooperative Forest Management Agreements**

RCW ~~79.60.010~~ 79.10.400 Cooperative agreements.

The department of ~~natural resources~~ with regard to state forest ~~board~~ lands and state ~~granted~~ lands is hereby authorized to enter into cooperative agreements with the United States of America, Indian tribes, and private owners of timber land providing for coordinated forest management, including time, rate and method of cutting timber and method of silvicultural practice on a sustained yield unit.

{forest "board" lands, as used here, refers to lands acquired under chapter 79.22 RCW – see RCW 79.02.010}

[1988 c 128 § 67; 1941 c 123 § 1; 1939 c 130 § 1; Rem. Supp. 1941 § 7879-11. Formerly RCW 79.52.070.]

RCW ~~79.60.020~~ 79.10.410 Cooperative units.

The department of ~~natural resources~~ is hereby authorized and directed to determine, define and declare informally the establishment of a sustained yield unit, comprising the land area to be covered by any such cooperative agreement and include therein such other lands as may be later acquired by the department and included under the cooperative agreement.

[1988 c 128 § 68; 1939 c 130 § 2; RRS § 7879-12. Formerly RCW 79.52.080.]

RCW ~~79.60.030~~ 79.10.420 Limitations on agreements.

The ~~state~~ department shall agree that the cutting from combined national forest, state forest lands, and state lands will be limited to the sustained yield capacity of these lands in the

management unit as determined by the contracting parties and approved by ~~the commissioner of public lands for state granted lands and the board of natural resources~~ for state forest board lands and by the department for state lands. Cooperation with the private contracting party or parties shall be contingent on limitation of production to a specified amount as determined by the contracting parties and approved by ~~the commissioner of public lands for state granted lands and the board of natural resources~~ for state forest board lands and by the department for state lands and shall comply with the other conditions and requirements of such cooperative agreement.

{common reference to state forest lands and state lands extended throughout statute. Also see note after RCW 79.10.400}

[1988 c 128 § 69; 1939 c 130 § 3; RRS § 7879-13. Formerly RCW 79.52.090.]

RCW ~~79.60.040~~ 79.10.430 Easements-- over state land during Life of agreements.

The private contracting party or parties shall enjoy the right of easement over state forest board lands and state ~~granted~~ lands included under said cooperative agreement for railway, road and other uses necessary to the carrying out of the agreement. This easement shall be only for the life of the cooperative agreement and shall be granted without charge with the provision that payment shall be made for all merchantable timber cut, removed or damaged in the use of such easement, payment to be based on the contract stumpage price for timber of like value and species and to be made within thirty days from date of cutting, removal and/or damage of such timber and appraisal thereof by the department ~~of natural resources~~.

{see note after RCW 79.10.400}

[1988 c 128 § 70; 1941 c 123 § 2; Rem. Supp. 1941 § 7879-13a. Formerly RCW 79.52.110.]

RCW ~~79.60.050~~ 79.10.440 Sale agreements.

During the period when any such cooperative agreement is in effect, the timber on the state forest lands and state lands which the department ~~of natural resources~~ determines shall be included in the sustained yield unit may, from time to time, be sold at not less than its appraised value as approved by the ~~commissioner of public lands~~ department for state ~~granted~~ lands and the board ~~of natural resources~~ for state forest board lands, due consideration being given to existing forest conditions on all lands included in the cooperative management unit and such sales may be made in the discretion of the department and the contracting party or parties in the cooperative sustained yield agreement. These sale agreements shall contain such provisions as are necessary to effectually permit the department to carry out the purpose of this section and in other ways afford adequate protection to the public interests involved.

{common reference to state forest lands and state lands extended throughout statute. Also see note after RCW 79.10.400}

[1988 c 128 § 71; 1939 c 130 § 4; RRS § 7879-14. Formerly RCW 79.52.100.]

RCW ~~79.60.060~~ 79.10.450 Minimum price--Alternative bases--Bids and awards.

The sale of timber upon state forest board land and state ~~granted~~ land within such sustained yield unit or units shall be made for not less than the appraised value thereof as

heretofore provided for the sale of timber on state lands : ~~PROVIDED, That~~ . However, if in the judgment of the department, it is to the best interests of the state to do so, said timber or any such sustained yield unit or units may be sold on a stumpage or scale basis for a price per thousand not less than the appraised value thereof. The department shall reserve the right to reject any and all bids if the intent of this chapter will not be carried out. Permanency of local communities and industries, prospects of fulfillment of contract requirements, and financial position of the bidder shall all be factors included in this decision.

{common reference to state forest lands and state lands extended throughout statute. Also see note after RCW 79.10.400}

[1988 c 128 § 72; 1939 c 130 § 5; RRS § 7879-15. Formerly RCW 79.52.040.]

RCW ~~79.60.070~~ 79.10.460 Contracts--Requirements.

A written contract shall be entered into with the successful bidder which shall fix the time when logging operations shall be commenced and concluded and require monthly payments for timber removed as soon as scale sheets have been tabulated and the amount of timber removed during the month determined, or require payments monthly in advance at the discretion of the board or the ~~commissioner~~ department. The board and the ~~commissioner~~ department shall designate the price per thousand to be paid for each species of timber and shall provide for supervision of logging operations, the methods of scaling and report, and shall require the purchaser to comply with all laws of the state of Washington with respect to fire protection and logging operation of the timber purchased; and shall contain such other provisions as may be deemed advisable.

[1939 c 130 § 6; RRS § 7879-16. Formerly RCW 79.52.050, part.]

RCW ~~79.60.080~~ 79.10.470 Transfer or assignment of contracts ~~of purchase~~.

No transfer or assignment by the purchaser shall be valid unless the transferee or assignee is acceptable to the department ~~of natural resources~~ and the transfer or assignment approved by it in writing.

[1988 c 128 § 73; 1941 c 123 § 3; Rem. Supp. 1941 § 7879-16a. Formerly RCW 79.52.120.]

RCW ~~79.60.090~~ 79.10.480 Performance bond--Cash deposit.

The purchaser shall, at the time of executing the contract, deliver a performance bond or sureties acceptable in regard to terms and amount to the department ~~of natural resources~~, but such performance bond or sureties shall not exceed ten percent of the estimated value of the timber purchased computed at the stumpage price and at no time shall exceed a total of fifty thousand dollars. The purchaser shall also be required to make a cash deposit equal to twenty percent of the estimated value of the timber purchased, computed at the stumpage bid. Upon failure of the purchaser to comply with the terms of the contract, the performance bond or sureties may be forfeited to the state upon order of the department ~~of natural resources~~.

At no time shall the amount due the state for timber actually cut and removed exceed the

amount of the deposit as ~~hereinabove~~ set forth in this section. The amount of the deposit shall be returned to the purchaser upon completion and full compliance with the contract by the purchaser, or it may, at the discretion of the purchaser, be applied on final payment on the contract.

[1988 c 128 § 74; 1941 c 123 § 4; 1939 c 130 § 7; Rem. Supp. 1941 § 7879-17. Formerly RCW 79.52.060.]